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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/037,284

01/03/2002

Peter Kotsinadelis

4366-47

6822

7590

11/07/2006

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EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,284

Applicant(s)

KOTSINADELIS, PETER

Examiner

James S. Wozniak

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 78-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 78-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the office action from 5/16/2006, the applicant has submitted a request for continued examination, filed 8/16/2006, adding claims 78-96, while canceling claims 38-48, 51, and 53-77 and arguing to traverse the art rejection based on newly added claims (*Amendment, Pages 7-10*). The applicant's arguments have been fully considered but are moot with respect to the below new grounds of rejection.

2. In response to the cancellation of claim 46, the examiner has withdrawn the previous objection directed towards a lack of proper antecedent basis.

Claim Objections

3. **Claims 79-80 and 87-96** are objected to because of the following informalities:

In **Claim 79**, Line 6, "the third voice instruction" should be changed to --the third voice command-- in order to provide proper antecedent basis.

Claim 80 fails to overcome the objection directed towards claim 79, and thus, is also objected to due to minor informalities.

In **Claim 87**, Lines 2-3, “a voice macroinstruction” should be changed to --a new voice macroinstruction-- in order to provide proper antecedent basis for subsequent limitations in the claim (*see Line 6*).

Claims 88-96 fail to overcome the objection directed towards claim 79, and thus, are also objected to due to minor informalities.

In **Claim 89**, Line 2, “the plurality of work items” should be changed to –the plurality of instructions-- in order to provide proper antecedent basis.

In **Claim 95**, Line 1, “the plurality of work items” should be changed to –the plurality of instructions-- in order to provide proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claim 92** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Claim 92 recites receiving a voice command, identifying the user that uttered the command, and determining whether or not to execute a macroinstruction corresponding to the

command based on the user's identity. While the specification does appear to disclose a process of user verification through password entry as part of an introductory operation (Specification, Pages 8-9) and further discloses denying access to a private macroinstructions assigned to a particular user (*Specification, Page 13*), the specification does not disclose identifying a user that uttered a command to determine whether or not to execute that particular command. Instead, it appears that the invention described in the specification merely performs an initial verification of a user that has not yet provided a macroinstruction, who can then access a specified list of private macroinstructions based on a correct login password. Thus, since specification is silent on the process of identifying a user that uttered a voice command and utilizing that identification result in carrying out a corresponding macroinstruction, claim 92 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 78, 81, and 84-86** are rejected under 35 U.S.C. 102(e) as being anticipated by Lucas et al (*U.S. Patent: 6,834,264*).

With respect to **Claim 78**, Lucas discloses:

Receiving, from a user, a first voice command associated with at least a first macroinstruction (*first spoken command associated with a voice macro, Col. 7, Lines 49-62*);

In response to receiving the first voice command, prompting the user for a second voice command associated with the at least a first macroinstruction (*system prompt issued after receiving a first voice command associated with a macroinstruction, Col. 7, Lines 49-62*);

Thereafter receiving, from the user, the second voice command associated with the at least a first macroinstruction (*second spoken command associated with a voice macro, Col. 7, Lines 49-62*); and

In response to receiving the second voice command, executing the at least a first macroinstruction (*carrying out a macroinstruction upon reception of the second voice command, Col. 7, Lines 49-62*).

With respect to **Claim 81**, Lucas further recites:

The second voice command is embedded within the first voice command and the second command is required to be received prior to executing the at least a first macroinstruction (*variable second command embedded into a first macro command, Col. 7, Lines 38-62*).

With respect to **Claim 84**, Lucas further recites:

Identifying the user prior to prompting the user for a second voice command associated with the at least a first macroinstruction (*identifying a user based on ID, Col. 10, Lines 36-50*).

With respect to **Claim 85**, Lucas further recites a voice recognition engine that monitors all input speech commands for a “sub” macro identifier (*VR engine, Col. 10, Lines 17-50; and “sub” macro identifier, Col. 7, Lines 10-62*).

With respect to **Claim 86**, Lucas further recites:

A computer readable medium comprising executable instructions operable to perform the method of claim 78 (*Col. 19, Lines 1-5*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 79-80 and 82-83** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas et al in view of De Armas et al (*U.S. Patent: 5,873,064*).

With respect to **Claim 79**, Lucas recites the method capable of carrying out a macroinstruction upon the reception of first and second voice commands, as applied to Claim 78. Lucas does not explicitly disclose that a third instruction may be invoked in response to the reception of the first two commands without receiving the corresponding third voice command, however De Armas discloses a system capable of linking additional instructions to voice commands corresponding to a first macroinstruction (*such as a second spoken command in the case of Lucas*), which can be carried out without speaking the corresponding voice commands (*Col. 11, Lines 26-51*).

Lucas and De Armas are analogous art because they are from a similar field of endeavor in systems utilizing voice-enabled macro commands. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Lucas with

the macro linking method taught by De Armas in order to further minimize the number of articulations necessary for action implementation (*De Armas, Col. 2, Lines 45-47*).

With respect to **Claim 80**, Lucas further recites:

Comparing at least one of the first and second voice commands with a macrolibrary containing a listing of voice commands are corresponding macroinstructions (*speech recognizer vocabulary, Col. 10, Lines 17-50*).

With respect to **Claim 82**, De Armas discloses the means for attaching additional instructions to a voice command (*such as a second spoken command in the case of Lucas*) as applied to Claim 79, thus creating a second macroinstruction associated with a second spoken command when combined with the teachings of Lucas.

With respect to **Claim 83**, Lucas discloses completing a first macroinstruction action after a second command is received as applied to Claim 78, while De Armas discloses a means for linking further instructions to a command (*as applied to claims 79 and 82*), which are carried out after a direct first macroinstruction is executed (*Col. 2, Line 61- Col. 3, Line 14*).

10. **Claims 87-91 and 93-96** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (*U.S. Patent: 5,835,571*) in view of Davis (*U.S. Patent: 6,816,837*).

With respect to **Claim 87**, Johnson discloses:

Receiving from a user a voice command to be associated with a new voice macroinstruction (*recording a voice macro invocation, Col. 9, Lines 8-45*);

Receiving from the user a plurality of instructions to be included in the new voice macroinstruction (*macro instruction monitoring, Col. 8, Lines 51-59*);

Creating the new voice macroinstruction using the received voice command and plurality of instructions (*creating and saving a voice macroinstruction, Col. 9, Lines 8-45*);

Querying the user whether the new voice macroinstruction is to be one of public and private (*GUI menu prompts, Col. 13, Lines 15-58, that query a user as to whether a created macro is to be local (private) or shared (public), Col. 14, Lines 22-48*);

When the user specifies that the new voice macroinstruction is to be private, providing only a first set of users with access to the voice macroinstruction (*specific user access of a local macroinstruction, Col. 13, Lines 38-49*); and

When the user specifies that the new voice macroinstruction is to be public, providing a second set of users with access to the voice macroinstruction, the second set of users including the first set of users and having a larger membership than the first set of users (*shared macro library accessible by a network of users, Col. 13, Lines 1-37*).

Although the steps of: receiving from the user a plurality of instructions to be included in the new voice macroinstruction and receiving from a user a voice command to be associated with a new voice macroinstruction are in a reverse order from that claimed in the present invention in the teachings of Johnson, it would be prima facie obvious to reverse the order of the recited steps in Johnson because no unexpected results would be achieved as a result of such a change (*i.e., both process orders result in a voice macroinstruction comprising a plurality of instructions, which is accessed using a user specified voice command*) (See MPEP 2144.04 IV. C.).

Although Johnson recites a step for receiving a user command associated with creating a voice macroinstruction in the form of a button selection (*Col. 7, Line 63- Col. 8, Line 14; and Col. 8, Lines 51-59*), Johnson does not specifically suggest that such a command may be

implemented using a voice input. Davis, however, discloses a method for voice macro creation in which a voice command can be utilized in initializing a macro creation process (*Col. 6, Lines 24-40*).

Johnson and Davis are analogous art because they are from a similar field of endeavor in systems utilizing voice-enabled macro commands. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Johnson with the macro recorder activation command taught by Davis in order to implement a well-known, hands-free alternative for initiating voice macro recording that can be substituted for a button-based command (*Davis, Col. 6, Lines 24-40*).

With respect to **Claim 88**, Johnson recites the option that allows a user to specify that a voice macro is to be shared (public) using a mouse button (*as applied to Claim 87*), while Davis discloses the well known concept that a voice command may be utilized in place of a button-based command (*as applied to Claim 87*).

With respect to **Claim 89**, Johnson further recites:

Providing at least one of the voice macroinstruction, the plurality of work items to be performed in response to receiving the voice macroinstruction, and spoken command to at least a second user (*shared library of macros, Col. 12, Line 62- Col. 13, Line 10*).

With respect to **Claim 90**, Johnson further recites:

Receiving the voice command from one of the first user and at least a second user; and executing the voice macroinstruction (*voice macro execution, Col. 11, Lines 37-57*).

With respect to **Claim 91**, Johnson recites the option that allows a user to specify that a voice macro is to be local (private) using a mouse button (*as applied to Claim 87*), while Davis

discloses the well known concept that a voice command may be utilized in place of a button-based command (*as applied to Claim 87*).

With respect to **Claim 93**, Davis further recites:

Comparing a voice signal associated with the at least one spoken word with a predetermined voice signal to detect the at least one spoken word (*recognition pattern comparison, Col. 5, Line 63- Col. 6, Line 5*).

With respect to **Claim 94**, Johnson further recites:

When the voice command is detected, the voice macroinstruction is to be executed (*voice macro execution, Col. 11, Lines 37-57*).

With respect to **Claim 95**, Davis further recites:

The plurality of work items are associated with at least a second voice command (*voice macro comprising multiple voice commands, Col. 6, Lines 41-58*).

With respect to **Claim 96**, Johnson further discloses:

A computer readable medium comprising executable instructions operable to perform the method of claim 87 (*Col. 5, Lines 55-65*).

11. **Claim 92** is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (*U.S. Patent: 5,835,571*) in view of Davis (*U.S. Patent: 6,816,837*), and further in view of Maes (*U.S. Patent: 6,477,500*).

With respect to **Claim 92**, Johnson in view of Davis recites the voice macro creation system that enables a user to select whether a macro is local or shared, as applied to Claim 91. Although Johnson further recites a means for user verification using a password (Col. 13, Lines

38-49), Johnson in view of Davis does not specifically suggest further identifying a user that uttered a voice command for voice macroinstruction acceptance or rejection, however Maes discloses a system that authenticates every input speech command using speaker recognition and rejects commands that are not from an authenticated user (*Col. 8, Lines 14-42*). Maes further notes that these commands can be voice macros (*Col. 5, Lines 30-37*).

Johnson, Davis, and Maes are analogous art because they are from a similar field of endeavor in systems utilizing voice-enabled macro commands. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Johnson in view of Davis with the speaker identification means taught by Maes in order to provide a means for access authorization without the use of cumbersome passwords (*Maes, Col. 8, Lines 39-42*).

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached at (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
10/14/2006


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